

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18132 of 2023

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Baby Bharti wife of Ambho Yadav, resident of Village-Ward No. 01, Walipur,
P.S. Sanokhar, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, ICDS, Welfare Department, Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The District Welfare Officer, Bhagalpur.
4. The District Programme Officer (Establishment), Bhagalpur.
5. The Child Development Project Officer, Sanhaura, Bhagalpur.
6. The District Certificate Officer, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Mani Sharma, Adv.
For the Respondent/s : Mr. Government Pleader (19)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

10 10-07-2025 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

“(i) For issuance of an appropriate writ for quashing of the Notice bearing no. 133 dated 4-11-2023 (Anx.- P/5) issued under the signature of the respondent no. 6 by which the petitioner has been asked to appear on 9-12-2023 and to deposit the amount or produce the proof that the petitioner had deposited the amount otherwise the order of attachment and for issuance of warrant of arrest would be issued against the petitioner.

(ii) For issuance of an appropriate



writ for quashing of the letter dated 28-4-2023 (Anx.-P/4) issued under the signature of the respondent no. 5 by which the respondent no. 6 has been requested to realise Rs. 287171.00/- from the petitioner and upon such request the C.C. No. 22/ 2023-24 has been instituted.

(iii) For issuance of an appropriate writ directing and commanding the respondents to give the petitioner all consequential benefits after quashing of the aforesaid Notice dated 4-11-2023 (Anx. P/5) and letter dated 28-4-2023 (Anx.- P/4).

(iv) For issuance of an appropriate writ directing and commanding the respondents not to realised the aforesaid amount of Rs. 2,87,171/- which has been paid to the petitioner towards Honorarium for the work done/ performed by the petitioner.”

3. Learned counsel appearing on behalf of the petitioner states that the matter is fairly covered by the decision of this Hon’ble Court passed in L.P.A. No. 28 of 2010 and analogous cases dated 28.04.2010. Learned counsel has stated that the petitioner was selected as an Aaganbari Sevika and thereafter on verification of the educational qualifications it was found that the certificate submitted by the petitioner was found to be forged and she was removed from the office. That the authorities thereafter have initiated the certificate proceedings



seeking to recover the salary which was paid to her during her period of employment. Learned counsel has stated that the Division Bench of this Hon'ble Court in L.P.A. No. 28 of 2010 and analogous cases has held that the authorities are not entitled to recover any salary or any other financial benefit which was already paid to the Aaganbari Sevika worked in the post of Shiksha Mitra/Panchayat Shikshak and any action of recovery sought to be initiated is bad. Learned counsel has, therefore, prayed this Hon'ble Court to allow the present writ petition and quash the certificate proceedings initiated by the authorities.

4. Learned counsel appearing on behalf of the respondents State has vehemently opposed the very maintainability of the writ petition. However, when queried by this Court about the order passed in L.P.A. No. 28 of 2010 and analogous cases, learned counsel has fairly stated that the said order has become final as the State has not preferred any S.L.P. before the Hon'ble Supreme Court against the said order.

5. The Division Bench of this Hon'ble court in L.P.A. No. 28 of 2010 and analogous cases dated 28.04.2010 had held as under:

“Before parting with, we would, however, make it clear that on the strength of



the order of termination or its being approved by this Court, the appellants will not be entitled to recover any salary or any other financial benefit already paid to the respondent writ petitioners for the period the they have worked on the post of Shiksha Mitra/Panchayat Shikshak and any action of recovery sought to be initiated must be stopped forthwith.”

6. Having regard to the above, the certificate proceedings initiated against the petitioner have to be necessarily quashed and the same are accordingly quashed.

7. The writ petition is allowed to the extent indicated.

(A. Abhishek Reddy , J)

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